

Filed February 23, 2007

REVIEW DEPARTMENT OF THE STATE BAR COURT

In the Matter of)	Case No.: 03-C-03820
)	
WILLIAM RICHARD DANSER)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar)	
_____)	

The State Bar's request for recommendation of summary disbarment, filed on August 31, 2006, is granted. On September 8, 2006, we filed an order to show cause why we should not recommend respondent's summary disbarment to the Supreme Court. Respondent's opposition, filed on September 27, 2006, asserts that the facts and circumstances involved in his conviction do not establish moral turpitude per se as a matter of law.

On April 30, 2004, respondent was convicted, inter alia, of one count of conspiracy to pervert and obstruct justice and the due administration of laws. (Pen. Code, § 182, subd. (a)(5).)¹ As a result of respondent's conviction, we placed him on interim suspension effective September 30, 2004, and he has remained on interim suspension since that time. His conviction is now final.

Respondent's conviction provides conclusive evidence that he is guilty of conspiracy to

¹Respondent was also convicted of Penal Code sections 96.5 and 664-96.5, and Government Code section 8920, misdemeanors. The only conviction we are relying upon in making our recommendation of summary disbarment is respondent's conviction under Penal Code section 182, subdivision (a)(5).

pervert and obstruct justice and the due administration of laws. (Bus. & Prof. Code, § 6101, subd. (a).) He is conclusively presumed to have committed all of the acts necessary to constitute the offense. (*In re Duggan* (1976) 17 Cal.3d 416, 423.)

Respondent's conviction meets the requirements under Business and Professions Code section 6102, subdivision (c), as amended effective January 1, 1997. First, respondent was convicted of a felony.² (Bus. & Prof. Code, § 6102, subd. (b).) Second, the crime of conspiracy to pervert and obstruct justice and the due administration of laws is a crime that involves moral turpitude. (*In re Tindall* (1963) 2 Cal.2d 469.)

When an attorney's conviction meets the requirements of Business and Professions Code section 6102, subdivision (c), "the attorney is not entitled to a State Bar Court hearing to determine whether lesser discipline is called for." (*In re Pagurigan* (2001) 25 Cal.4th 1, 4-7.) Disbarment is mandatory. (*Id.* at p. 9; see also *In re Lesansky* (2001) 25 Cal.4th 11.)

We therefore recommend that respondent Richard William Danser, State Bar member number 84789, be summarily disbarred from the practice of law in this state. We also recommend that respondent be ordered to comply with rule 9.20 of the California Rules of Court and to perform the acts specified in paragraphs (a) and (c) of that rule within 30 and 45 days, respectively, after the effective date of the Supreme Court's order. Finally, we recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

²Offenses under Penal Code section 182, subdivision (a)(5), may be prosecuted as either felonies or misdemeanors. (See Pen. Code, § 17, subd. (b).) This crime was prosecuted as a felony and respondent was convicted of a felony. Thus, the crime is treated as a felony for State Bar purposes. (See Bus. & Prof Code, § 6102, subd. (b).)

Presiding Judge